UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/22868
1 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 30 JULY 1991 FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations and in reply to the Secretary-General's note of 3 July 1991 concerning paragraph 4 of Security Council resolution 700 (1991) has the honour to state the following:

Austria has instituted the following measures relating to the implementation of the arms embargo against Iraq contained in Security Council resolutions 661 (1990) and 687 (1991):

1. On 21 August 1990, the Austrian Federal Government made use of the authority granted to it by the federal law of 1977 concerning the export, import and transit of military equipment, and adopted a decree which generally prohibits any export of military equipment and civil arms and ammunition to Iraq. This decree allows for additional penal sanctions in case of any attempt to circumvent the provisions of the decree.

2. Legal transactions or activities relating to the import or export of weapons or other military equipment are also fully covered by the decree of the Federal Minister for Economic Affairs of 14 August 1990 under the Foreign Trade Act 1984. This decree declared all legal transactions or activities relating to the import or export of commodities and products originating from or destined for Iraq subject to prior permission by the Federal Ministry. An export licence will not be granted if the transaction concerned has not been approved in accordance with Security Council resolutions 661 (1990) and 687 (1991) by the Committee established by resolution 661 (1990).

The following additional measures are being prepared:

3. A draft law containing amendments to the Foreign Trade Act 1984, which would subject the export of various other products to export licences, will soon be submitted to Parliament. This legislation, which is in accordance with international non-proliferation arrangements, will relate:

(a) To precursors of chemical weapons;

(b) To plants and parts of plants designed to produce nuclear, biological and chemical weapons;

(c) To missiles constructed to carry such weapons.

Arms, ammunition and explosives not falling under the regulations for "military equipment" (see under 1) will continue to be covered by this legislation.

Licen es will also be required for the export of related technologies and for the promotion of the sale of the goods mentioned above from outside Austria into third countries.

Legislation to further strengthen the existing non-proliferation provisions in the nuclear field by amending the Safeguards Act is currently underway.

4. Furthermore, a proposed amendment to the Penal Code will make it a criminal offence to produce or trade with nuclear, biological and chemical weapons. The prohibition concerned will also relate to aiding and abetting.

It follows from the foregoing that Austria is committed to implement the mandatory arms embargo against Iraq adopted by the Security Council in paragraph 24 of resolution 687 (1991). As to the general position of Austria concerning the implementation of mandatory sanctions adopted by the competent organ of the United Nations, reference is made to the Austrian reply relating to the implementation of Security Council resolution 661 (1990).